

REMARKS

By this Amendment, claims 1 and 27 have been amended. Claim 72 has been newly added. Applicants reserve the right to pursue the original claims in this and other applications.

Claim 27 stands rejected under 35 U.S.C. § 112, second paragraph, for lack of antecedent basis. Claim 27 has been amended as shown above to address the concerns raised in the Office Action. Applicant respectfully requests that the rejection of claim 27 be withdrawn.

Claims 1, 3-6, 9-13, and 54 stand rejected under either 35 USC 102(e) as being anticipated by U.S. Patent Pub. No. 2001/0049262 to Lehtonen ("Lehtonen"). This rejection is respectfully traversed.

Independent claim 1, as amended, recites, *inter alia*, "a transmitter/receiver circuit for (i) wirelessly receiving data and commands communicated to said module from any of a plurality of processing systems". Lehtonen does not disclose this feature. To the contrary, Lehtonen discloses a mobile telephone 22 and headset 21 combination that permits hands-free functioning between the two apparatuses. (paragraph [0035]). Lehtonen does not disclose that a headset 21 may receive data and commands from more than one mobile telephone 22.

Claim 12 recites, *inter alia*, "wherein said memory device comprises a dynamic random access memory device". Lehtonen does not disclose this feature. To the contrary, Lehtonen only discloses that "a memory means, for example a memory card slot into which a memory card is detachably connectable, is disposed in the headset". (paragraph [0014]). A memory card is not necessarily a dynamic random access

memory device. Therefore, Lehtonen does not disclose that the memory device comprises a dynamic random access memory device.

Claim 13 recites, *inter alia*, “wherein said memory device comprises a flash memory device”. Lehtonen does not disclose this feature. To the contrary, Lehtonen only discloses that “a memory means, for example a memory card slot into which a memory card is detachably connectable, is disposed in the headset”. (paragraph [0014]). A memory card is not necessarily a flash memory device. Therefore, Lehtonen does not disclose that the memory device comprises a flash memory device.

Claim 72 recites, *inter alia*, “wherein said at least one memory device comprises at least 100 Mbytes of memory”. Lehtonen does not disclose this feature. To the contrary, Lehtonen only discloses that “a 64-Megabyte memory card [may store] slightly more than an hour of music”. (paragraph [0047]). Therefore, Lehtonen does not disclose that the at least one memory device comprises at least 100 Mbytes of memory.

Since Lehtonen does not disclose all the limitations of claim 1, claims 1 is not anticipated by Lehtonen. Claims 3-6, 9-13, 54, and 72 depend from claim 1 and are patentable at least for the reasons mentioned above. Applicant respectfully requests that the rejection of claims 1, 3-6, 9-13, 54, and 72 be withdrawn.

Claims 22, 24-29, 36, 38-43, 55-60, and 67-71 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lehtonen in view of U.S. Patent No. 6,249,690 to Mashiko (“Mashiko”). This rejection is respectfully traversed.

The Office Action fails to establish a *prima facie* case of obviousness at least because Lehtonen in view of Mashiko, even if properly combinable, do not teach or suggest all the claim limitations of independent claim 22. To establish a *prima facie*

case of obviousness...the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 22 recites, *inter alia*, “a memory module controller...for retrieving stored data received from said first processor system from said portable memory module memory device for transmission by said portable memory module transmitter/receiver circuit from said module to any of a plurality of other processing systems”. Lehtonen in view of Mashiko, even if properly combinable, does not teach this limitation. The Office Action states that Lehtonen “discloses transmitting to any of a plurality of other processing systems” and that the other processing systems include “earphones, separate display, [and a] wrist TV”. (Office Action, page 7). Applicant respectfully disagrees with this characterization. Lehtonen does not disclose that the earphones, display, and wrist TV are processing systems. To the contrary, Lehtonen discloses that the earphones, display, and wrist TV are physically connected to the headset (paragraph [0050]), thereby removing any need for the earphones, display, and wrist TV to be implemented as processing systems since the headset may provide processing capabilities. Further, the Office Action acknowledges that Lehtonen does not disclose “for transmission by said portable memory module transmitter/receiver circuit from said module to any of a plurality of other processing systems” as recited by claim 22. (Office Action, page 7).

Furthermore, Mashiko does not cure the deficiencies of Lehtonen because Mashiko does not disclose “a memory module controller...for retrieving stored data received from said first processor system from said portable memory module memory device for transmission by said portable memory module transmitter/receiver circuit from said module to any of a plurality of other processing systems” as recited by claim 22. To the contrary, Mashiko teaches “storing the first backup information of the first

personal information stored in the portable information equipment 1A and the second backup information of the second personal information stored in the portable information equipment 1B". (column 10, lines 14-24). Therefore, Mashiko does not teach "retrieving stored data received from said first processor system from said portable memory module memory device for transmission by said portable memory module transmitter/receiver circuit from said module to any of a plurality of other processing systems" as recited in claim 22, but instead merely transfers one set of data back and forth between a battery charger 6 and a first portable information equipment 1A and another set of data between the battery charger 6 and a second portable information equipment 1B. (column 10, lines 14-24).

Claims 36 and 67 contain limitations similar to those of claim 22 and are allowable for similar reasons. Since Lehtonen and Mashiko do not teach or suggest all of the limitations of independent claims 22, 36, and 67, these claims are not obvious over the cited references. Claims 24-35 depend from claim 22, claims 38-43 depend from claim 36, and claims 68-71 depend from claim 67 and are patentable at least for the reasons mentioned above.

Furthermore, the Office Action fails to establish a *prima facie* case of obviousness at least because the Office Action has not provided proper motivation to combine Lehtonen with Mashiko. To establish a *prima facie* case of obviousness there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Office Action states that it would have been obvious to modify the system of Lehtonen to include transmission by said transmitter/receiving circuit from said module to any of a plurality of other processing systems as taught by Mashiko "to

facilitate the transfer of data between various other processor systems". (Office Action, page 8). Applicant respectfully disagrees. This statement of proposed motivation to combine made by the Office Action is not proper because it is a conclusory statement with no basis in the prior art. Neither Lehtonen nor Mashiko teach the desirability of facilitating the transfer of data between other various processor systems in the invention of Lehtonen. To the contrary, broadcasting a telephone call from a mobile phone to multiple headsets as suggested by the Office Action would be disadvantageous because it would defeat the expectation of privacy normally associated with the use of a telephone.

Therefore, Applicant respectfully requests that the rejection of claims 22, 24-29, 36, 38-43, 55-60, and 67-71 be withdrawn.

Claims 61-66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lehtonen in view of U.S. Patent No. 6,622,031 to McCleary ("McCleary"). This rejection is respectfully traversed.

The Office Action fails to establish a *prima facie* case of obviousness at least because the Office Action has not provided proper motivation to combine Lehtonen with McCleary. The Office Action states that it would have been obvious to modify the device of Lehtonen to communicate with a general purpose computer as taught by McCleary "in order to wirelessly transmit and receive data that can be used with applications that execute on a general purpose computer". (Office Action, page 17). Applicant respectfully disagrees. This statement of proposed motivation to combine made by the Office Action is not proper because it is a conclusory statement with no basis in the prior art. Neither Lehtonen nor McCleary teach the desirability of transferring data from the headset 21 of Lehtonen to a general purpose computer.

Furthermore, one of ordinary skill in the art would not have looked to the portable computer system 100 of McCleary to modify the wireless telephone headset taught by Lehtonen. McCleary discloses a portable computer system 100 (a PDA) that communicates wirelessly through a cradle 60 to communicate with a host computer system 56. (column 4, lines 12-26). Lehtonen discloses a mobile telephone 22 that communicates with a headset 21. (paragraphs [0034]-[0037]). One skilled in the art would not attempt to combine such dissimilar systems without the benefit of improper hindsight.

In view of the above amendment and previous remarks, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

by 

Thomas J. D'Amico

Registration No.: 28,371

David T. Beck

Registration No.: 54,985

DICKSTEIN SHAPIRO LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorneys for Applicant